



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,631	01/22/2002	Kunihiko Tanaka	02001/LH	3624

1933 7590 06/18/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,631

Applicant(s)

TANAKA, KUNIHICO

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Second action, application filed on 01/22/2002.
2. Independent Claim 1, dependent claims 2-4 are pending in the case.
3. The present title of the application is "Food and Drink Ordering System in Eating and Drinking Place".

NON-FINAL ACTION

Claim Rejections - 35 USC § 103

- ◆ The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- ◆ Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens UK Patent GB2150728A, in view of Camaisa et al. U. S. Patent 5845263.

4. Regarding claim 1, Martens teach a food and drink ordering system in an eating and drinking place for allowing a customer to order any desired food and drink from the customer's table to a food and drink supplying place (see for example, Figure 1, Figure 3, page 1, lines 59-69, page 2, lines 82-99, and lines 109-110, the food and drinks can be ordered from customer's table), comprising:

image display means (Figure 1, 4) and order input means (Figure 1, 5) for inputting information on the food and drink ordered (see for example, Figure 1, page 1, lines 59-69, page 2, lines 90-95, 100-108, page 4, lines 36-44, the image displays food and drink ordered), and both of which are provided at the customer's table (see for example, page 4, lines 36-44), and order display means (see for example, page 4, lines 5-9), and the control unit regarding foods and drinks on the image display means at the customer's table and an information function of giving the information on the selected food and drink to the food and drink supplying place (see for example, Figure 1, page 2, lines 90-95, controller 6, and, confirmation unit 7, button 23, and receipt printer 8) (see for example, page 4, lines 5-9).

However, Martens does not teach a control unit having a menu display function of displaying information regarding foods and drinks, and when the customer selects any item from the information on the available food and drinks displayed on the image display means by use of the order input means, and order display means, and set in the food and drink supplying place.

Camaisa teach the a control unit (see for example, Figure 1, 102) having a menu display (see for example, Figure 1, 104) function of displaying information regarding foods and drinks and when the customer selects any item while setting from the information on the available food and drinks displayed on the image display means by use of the order input means (see for example, Figure 1, 118, and customer terminal 102, column 1, lines 17-19, column 3, lines 43-52, column

4, lines 9-16, column 6, lines 21-52; and for example (column 6, lines 43-50), the customer order via terminal 102 while setting in the restaurant, and the ordered interactively display in the kitchen via terminal 124, and further refer to Figures 6-15).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Camaisa's interactive visual ordering system with Martens' client-actuated display and ordering system (page 1, lines 7-9) to provide a system with visual transaction and interactive ordering restaurant menu items functions (Camaisa, column 1, lines 17-19), and to provide "a remote ordering system would allow restaurants the flexibility to tap into their customer base and increase the volume of their delivery order service", and "a system that can be tailored to each specific restaurant's unique requirements" (Camaisa, column 3, lines 28-32).

5. Regarding claim 2, Martens and Camaisa teach claim 1, and further Martens teaches a card reader for reading the information recorded in a card having the function of making settlement of the charge for purchased goods and services is set in the customer's table (see for example, column 4, lines 1-8, and column 13, lines 11-19), and the control unit has a settlement function of making settlement of the charge for the customer's meal from the information of the card read by the card reader (see for example, column 4, lines 1-8, and column 13, lines 11-19,

the computer, interactive system is equipped with the card reading/settlement functions, and further, column 5, lines 37-67, and column 6, lines 1-57).

◆ Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens UK Patent GB2150728A, in view of Camaisa et al. U. S. Patent 5845263, and further in view of Tanaka U. S. Patent 6,145,628 B1 (hereinafter '628).

6. Regarding claims 3, and 4, Martens and Camaisa teach claims 1, and 2.

However, Martens and Camaisa do not teach the carrying means for carrying foods and drinks from the food and drink supplying place to the customer's table, and wherein the control unit includes an image control function of allowing an image displayed on the image display means to change one after another in accordance with developments of the ordered food and drink carried up to the designated customer's table via the carrying means.

Tanaka ('628) teaches foods and drinks carrying means, as in column 1 lines 35-40, "food and drink conveying system which enables a food or drink ordered, served to and conveyed through a conveying path to surely be received by the ordered" (customer), the food or drink order is being received from the kitchen or food and drink supplying place to the customer's table (see for example Figure 1 and 7; Figure 12, items 701-702, 704-705, 707-708; column 1, lines 35-64; column 2, lines 51-67; column 3, lines 1-24)

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Tanaka's ('628) food and drink conveying


system with Camaisa's interactive visual ordering system, and with Martens' client-actuated display and ordering system (page 1, lines 7-9) to provide "a food and drink conveying system which enables a food or drink ordered, served to and conveyed through a conveying path to surely be received by the orderer, without any fear of the ordered food or drink being taken out on the way to the orderer's place by another person by mistake" (Tanaka ('628), column 1, lines 35-41).


Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

Inquiry

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service telephone number is 703-305-3900.


Shaima Q. Aminzay
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER
Nay Maung
(SPE)

June 12, 2004

Art Unit 2684